

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA - MACON DIVISION**

CHASITY JENKINS,

plaintiff,

—v—

LAZEGA & JOHANSON LLC,

defendant.

Civil Action File Number

Jury Trial Demanded

COMPLAINT

COMES NOW by counsel your plaintiff CHASITY JENKINS (hereafter ‘JENKINS’ or ‘Plaintiff’) and for her *Complaint* against defendant LAZEGA & JOHANSON LLC (hereafter ‘L&J’ or ‘Defendant’), for bringing suit against her outside the authorized venues for consumer debt collection, shows as follows:

Introduction

1

Plaintiff brings this action under the FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 *et seq.* (hereafter ‘FDCPA’ or ‘1692’).

2

15 U.S.C. § 1692i limits the venues in which a debt collector may file a collection suit against a consumer to the to the judicial district or similar legal entity in which such consumer signed the contract sued upon or in which such consumer resides at commencement of the action.

3

Any and all violations by Defendant as alleged in this *Complaint* were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adopted to avoid the violation and has committed the same violation on multiple prior occasions.

Parties

4

JENKINS is a natural person who, Plaintiff alleged, borrowed money from CHARTER ONE BANK, N.A., pursuant to four private educational undergraduate loans more specifically described and defined by reference and incorporation below in *Complaint* paragraphs 8 through 16 (collectively hereafter the ‘loans’) to attend and study at DEVRY UNIVERSITY in DECATUR, DEKALB COUNTY, GEORGIA; JENKINS is, therefore, a *consumer* as defined by 15 U.S.C. § 1692a(3) and *allegedly obligated to pay a debt* as defined by 15 U.S.C. § 1692a(5).

5

L&J, a law firm whose business it is to regularly collect consumer debts using instrumentalities of interstate commerce, including the UNITED STATES POSTAL SERVICE and telephone systems, attempted to collect from JENKINS more than \$64,000.00 under the four alleged loans for alleged assignees of CHARTER ONE BANK, N.A., by filing four separate actions against her in TWIGGS COUNTY, GEORGIA; L&J is, therefore, a *debt collector* as defined by 15 U.S.C. § 1692a(6). L&J’s registered agent is Jay S. Lazega whose registered office is located at 3520 Piedmont Road, NE, Suite 415, in Atlanta, Fulton County, Georgia 30305 where he may be served.

Jurisdiction and Venue

6

15 U.S.C. § 1692k(d) grants jurisdiction to the UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA regardless of the amount in controversy.

7

L&J filed the actions against Jenkins in TWIGGS COUNTY SUPERIOR COURT and in TWIGGS COUNTY MAGISTRATE COURT which courts are located in JEFFERSONVILLE, TWIGGS COUNTY, GEORGIA, and within the geographic extent of the MACON DIVISION of this Court as defined by 28 U.S.C. § 90(b)(2); thus, the acts of which Plaintiff complains occurred within the MACON DIVISION of this Court and venue lies in the MACON DIVISION of this Court.

Facts

8

L&J, on or about the 18th day of February 2016, filed an action for NATIONAL COLLEGIATE STUDENT LOAN TRUST 2004-02 as a plaintiff and as an alleged assignee of CHARTER ONE BANK, N.A., against JENKINS in TWIGGS COUNTY SUPERIOR COURT there identified as Civil Action File Number 2016-V-031 (hereafter ‘the Superior Court Action’).

9

Exhibit A hereto annexed, and by this reference incorporated here as if fully set forth, is a copy, true and correct in all respects relevant to this *Complaint*, of the Superior Court Action.

10

L&J, on or about the 26th day of February 2016, filed three actions against JENKINS in TWIGGS COUNTY MAGISTRATE COURT (hereafter collectively ‘the Magistrate Court Actions’), to wit, the actions more specifically and individually described and defined in the next following six paragraphs.

11

L&J, representing NATIONAL COLLEGIATE STUDENT LOAN TRUST 2005-1 as plaintiff and as an alleged assignee of CHARTER ONE BANK, N.A., filed Civil Action File Number 16-178CS against JENKINS in TWIGGS COUNTY MAGISTRATE COURT (hereafter ‘Magistrate Action Number 178’).

12

Exhibit B hereto annexed, and by this reference incorporated here as if fully set forth, is a copy, true and correct in all respects relevant to this *Complaint*, of Magistrate Action Number 178.

13

L&J, representing NATIONAL COLLEGIATE STUDENT LOAN TRUST 2005-2 as plaintiff and as an alleged assignee of CHARTER ONE BANK, N.A., filed Civil Action File Number 16-177CS against JENKINS in TWIGGS COUNTY MAGISTRATE COURT (hereafter ‘Magistrate Action Number 177’).

14

Exhibit C hereto annexed, and by this reference incorporated here as if fully set forth, is a copy, true and correct in all respects relevant to this *Complaint*, of Magistrate Action Number 177.

15

L&J, representing NATIONAL COLLEGIATE STUDENT LOAN TRUST 2005-3 as plaintiff and as an alleged assignee of CHARTER ONE BANK, N.A., filed against JENKINS Civil Action File Number 16-176CS in TWIGGS COUNTY MAGISTRATE COURT (hereafter ‘Magistrate Action Number 176’).

16

Exhibit D hereto annexed, and by this reference incorporated here as if fully set forth, is a copy, true and correct in all respects relevant to this *Complaint*, of Magistrate Action Number 176.

17

Plaintiff incurred not less than \$6,400.00 in actual attorneys fees and costs to defend against the Superior Court Action and the Magistrate Court Actions (collectively the ‘Twiggs County actions’) all of which were dismissed without prejudice.

18

Defendant thereby caused Plaintiff actual damage in an amount not less than \$6,400.00 when it filed the Twiggs County actions against JENKINS in TWIGGS COUNTY, GEORGIA, and is liable to JENKINS for statutory damages pursuant to 15 U.S.C. § 1692k in the amount of \$1,000.00 for each separate and individual action among the Twiggs County actions.

Count 1 - Violations Respecting The Superior Court Action

19

Plaintiff by this reference incorporates here as if fully set forth all the allegations contained in the numbered paragraphs of this *Complaint* 1 through 9, 17, and 18.

20

L&J alleged in the Superior Court Action that JENKINS owed to its client a debt incurred for undergraduate, personal educational purposes evidenced by a contract that JENKINS signed at DEVRY UNIVERSITY in DEKALB COUNTY, GEORGIA; and that the said contract had been assigned to the plaintiff in the Superior Court Action.

21

When L&J filed in TWIGGS COUNTY, GEORGIA, the Superior Court Action against JENKINS, JENKINS was a resident of DEKALB COUNTY, GEORGIA.

22

L&J caused JENKINS the actual economic damages described in paragraphs 17 and 18, above, because it filed the Superior Court Action in TWIGGS COUNTY, even though she was at the time a resident of DEKALB COUNTY and the alleged contract was signed in DEKALB COUNTY.

Count 2- Magistrate Action Number 178

23

Plaintiff by this reference incorporates here as if fully set forth all the allegations contained in the numbered paragraphs of this *Complaint* 1 through 7, 10 through 12, 17, and 18.

24

L&J alleged in Magistrate Action Number 178 that JENKINS owed to its client a debt incurred for undergraduate, personal educational purposes evidenced by a contract that JENKINS signed at DEVRY UNIVERSITY in DEKALB COUNTY, GEORGIA; and that the said contract had been assigned to the plaintiff in Magistrate Action Number 178.

25

When L&J filed in TWIGGS COUNTY, GEORGIA, Magistrate Action Number 178 against JENKINS, JENKINS was a resident of DEKALB COUNTY, GEORGIA.

26

L&J caused JENKINS the actual economic damage described in paragraphs 17 and 18, above, because it filed Magistrate Action Number 178 in TWIGGS COUNTY, even though she was at that time a resident of DEKALB COUNTY and the alleged contract was signed in DEKALB COUNTY.

Count 3 - *Magistrate Action Number 177*

27

Plaintiff by this reference incorporates here as if fully set forth all the allegations contained in the numbered paragraphs of this *Complaint* 1 through 7, 10, 13, 14, 17, and 18.

28

L&J alleged in Magistrate Action Number 177 that JENKINS owed to its client a debt incurred for undergraduate, personal educational purposes evidenced by a contract that JENKINS signed at DEVRY UNIVERSITY in DEKALB COUNTY, GEORGIA; and that the said contract had been assigned to the plaintiff in Magistrate Action Number 177.

29

When L&J filed in TWIGGS COUNTY, GEORGIA, Magistrate Action Number 177 against JENKINS, JENKINS was a resident of DEKALB COUNTY, GEORGIA.

30

L&J caused JENKINS the actual economic damage described in paragraphs 17 and 18, above, in part because it filed Magistrate Action Number 177 in TWIGGS COUNTY, even though she was a resident of DEKALB COUNTY and the alleged contract was signed in DEKALB COUNTY.

Count 4 - *Magistrate Action Number 176*

31

Plaintiff by this reference incorporates here as if fully set forth all the allegations contained in the numbered paragraphs of this *Complaint* 1 through 7, 10, and 15 through 18.

32

L&J alleged in Magistrate Action Number 178 that JENKINS owed to its client a debt incurred for undergraduate, personal educational purposes evidenced by a contract that JENKINS signed at DEVRY UNIVERSITY in DEKALB COUNTY, GEORGIA; and that the said contract had been assigned to the plaintiff in Magistrate Action Number 176.

33

When L&J filed in TWIGGS COUNTY, GEORGIA, Magistrate Action Number 176 against JENKINS, JENKINS was a resident of DEKALB COUNTY, GEORGIA.

34

L&J caused JENKINS the actual economic damage described in paragraphs 17 and 18, above, in part because it filed Magistrate Action Number 176 in TWIGGS COUNTY, even though she was at the time a resident of DEKALB COUNTY and the alleged contract was signed in DEKALB COUNTY.

WHEREFORE your Plaintiff prays for judgment against the Defendant finding Defendant liable to Plaintiff for her actual damages in the amount of \$6,400.00, her statutory damages in the maximum amount of \$1,000.00, separately for each count, or \$4,000.00 in total statutory damages, and her reasonable attorneys fees and costs to recover the same through this *Complaint* and litigation.

Jury Demand

Plaintiff demands a trial of her claims before a jury of her peers.

Respectfully submitted this 14th day of February 2017 by:

Addleton Ltd. Co.

by: s\ David F. Addleton

David F. Addleton
Attorney for Plaintiff
GBN 005050
PO Box 416
Macon GA 31202-0416
voice: 404.797.7166
fax: 1.888.398.0898
email: dfaddleton@gmail.com